



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 14 2009

REPLY TO THE ATTENTION OF:

AE-17J

Douglas Harris, General Manager
Veolia ES Technical Solutions, L.L.C.
7 Mobile Avenue
Sauget, Illinois 62201

Dear Mr. Harris:

The U.S. Environmental Protection Agency has received your September 15, 2009, comprehensive performance test (CPT) plan which you submitted as required by the hazardous waste combustor maximum achievable control technology (HWC MACT) standard. We have not concluded our review and may have additional comments, but we felt that we should respond quickly to Veolia Environmental Services' (Veolia) intent to use the August 2008 stack testing in lieu of testing for mercury, as described in section 1.3.2 of the CPT plan for units 2, 3 and 4. We are not approving this request. As described in our July 17, 2009, letter to you, EPA has numerous concerns with the quality of the 2008 stack test data. These problems will have a significant impact on your ability to demonstrate compliance with the mercury limits in the HWC MACT. We had a discussion regarding some of these concerns in a call with you and your staff on July 28, 2009. At that time, you stated that you would request an extension under 40 C.F.R. § 63.7(h) to allow you time to respond to EPA's comments on your original CPT plan submittal and to consider including as part of the planned testing required by the HWC MACT re-testing for mercury. In fact, your July 29, 2009, request for the extension referenced the possibility of expanding the scope of testing as one of the reasons for requesting the extension. You stated

In light of the facts that Veolia is currently working on responses to these comments, that Veolia is currently working with the Agency to potentially expand the scope of testing, and that the Plans will not be finalized by August 14 when the public notices are due, Veolia is requesting this extension.

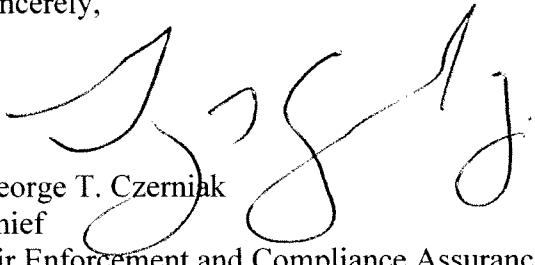
On August 7, 2009, EPA approved a four month extension with the understanding that Veolia would be adding stack testing for mercury to its CPT plan.

Because we are denying your September 15, 2009 request to use August 2008 data in lieu of re-testing for mercury, it is our position that Veolia must select and move forward to implement one of the following options:

1. Veolia must resubmit a CPT plan to include stack testing for mercury and complete that testing within the timeframe provided in our August 7, 2009 letter;
2. Veolia must install mercury continuous emission monitors to demonstrate compliance with the mercury limits in the HWC MACT; or
3. Veolia must cease combustion of mercury-containing waste.

Please direct any questions that you have regarding this letter to Charles Hall, of my staff, at (312) 353-3443.

Sincerely,



George T. Czerniak
Chief
Air Enforcement and Compliance Assurance
Branch